

### Remarks

Claims 1-40 and 83-113 are pending in the present application as of the mailing of the Office Action. Claims 114-116 are new.

The Office Action has rejected Claims 1-5, 12, 15-18, 20-23, 32-37, 83-87 and 91-113 under 35 U.S.C. 102(b) as being anticipated by U.S. Statutory Invention Registration No. H1743 to Graves et al. The Office Action has rejected Claims 6-13 under 35 U.S.C. 103(a) as being unpatentable over Graves et al. in view of the Official Notice that it is old and well known that retail point of sales sell consumable supplies. In addition the Office Action rejected Claims 19, 24-30, 38-40, 88-90 and 95-97 under 35 U.S.C. 103(a) as being unpatentable over Graves et al. in view of the Official Notice that the Poisson statistical model is old and well known for determining the probability of an occurrence, and further that lambda and alpha are known variables within this model.

Applicants appreciate the courtesies extended to Applicants' counsel during an interview on April 5, 2005. The substance of that interview is as follows:

1. The interview did not include any exhibits or demonstrations.
2. Independent Claim 1 was discussed.
3. The prior art discussed included U.S. Statutory Invention Registration No. H1743 to Graves et al.
4. Applicant's counsel proposed to amend independent Claim 1 to recite the receiving step before the determining step, to substitute the term "retrieving" for the term "determining," and to add that a probability pattern is retrieved based on received identification characteristic information and time-related information.

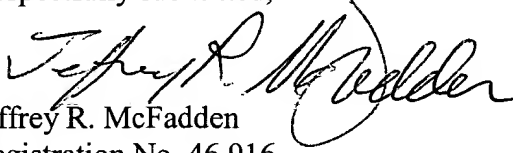
5. The prior art, and primary reference (Graves), does not teach receiving identification characteristic information pertaining to an item as it passes a sensing circuit, and receiving time-related information corresponding to when the item was detected by the sensing circuit; retrieving a probability pattern of a velocity of the item based on the identification characteristic and time-related information; comparing an observed velocity of the item to the probability pattern; and determining whether or not the observed velocity is anomalous.

6. No other pertinent matters were discussed.

### Conclusion

Applicants believe that this case is now in condition for an immediate allowance, and such action is respectfully requested. If any issue remains unresolved, Applicants' counsel would appreciate the opportunity for a telephone interview to expedite allowance.

Respectfully submitted,

  
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